

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

IN RE:	)	Chapter:	7
	)		
KENT AND DIANE RIEGER,	)	Case No.:	07-11298
	)		
Debtors.	)	Judge John H. Squires	

**FINAL APPLICATION FOR ALLOWANCE OF COMPENSATION OF GENERAL  
COUNSEL TO THE CHAPTER 7 TRUSTEE**

**NOW COMES** David R. Brown, Esq. and the firm of SPRINGER, BROWN, COVEY, GAERTNER & DAVIS, LLC, (hereinafter "Applicant") as duly authorized counsel to the Trustee, DAVID R. BROWN, (hereinafter "Trustee") and respectfully requests the entry of an Order for the allowance and payment of compensation for services rendered as counsel to the Trustee, pursuant to §330 of the United States Bankruptcy Code and applicable Federal Rules of Bankruptcy Procedure, and in support hereof, states to the Court as follows:

**I. INTRODUCTION**

This Application encompasses the time period from September 11, 2007 through October 2, 2009. The Application represents 22.0 hours of legal services provided to the Trustee. Applicant has neither previously requested nor obtained approval for payment of interim compensation. This Application seeks approval of legal fees in the amount of \$6,235.00 and \$25.10 for actual and necessary unreimbursed expenses.

1. On June 25, 2007, an Order for Relief under Chapter 7 of the United States Bankruptcy Code was entered against Kent and Diane Rieger and David R. Brown was thereupon appointed as Trustee therein.

2. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §1334. This is a core proceeding pursuant to 28 U.S.C. §157. Venue is proper in this district pursuant to 28 U.S.C. §§1408 and 1409.

3. This request for relief is predicated on Section 330(a) (1) of the Bankruptcy Code.

4. On September 21, 2007, an Order was entered by this Court authorizing Trustee to employ Springer, Brown, Covey, Gaertner & Davis, LLC (hereinafter "Springer Brown") as his counsel.

5. During the period September 11, 2007 through October 2, 2009, Springer Brown provided services to the Trustee which were reasonable and necessary to the administration of this case, the general nature of which is set forth below and a specific itemization of which is attached hereto and incorporated herein.

## **II. CASE STATUS AND NARRATIVE OF LEGAL SERVICES**

6. Applicant represented and advised the Trustee on the matters relating to this bankruptcy case. The Applicant has provided a general description of the tasks performed, results achieved and benefit to the estate; and detailed time records in chronological order for each matter with Applicant's time attached hereto Exhibit A. Each professional task for which Applicant seeks compensation is separated into the following four categories:

- A. Employment of Professional Persons and Preparation of Fee Applications;
- B. Asset Analysis and Disposition: Fraudulent Transfer of Real Estate; and
- C. Claims Objections.

The following narrative description of the project categories explains the necessity and benefit to the estate of each service category and the status of those issues, including all pending litigation:

**A. Employment of Professional Persons and Preparation of Fee Application**

**Time Expended: 4.2 hours; Amount requested: \$1,245.00**

This category includes services related to the employment of Applicant as counsel to the Trustee, and preparation of the current Fee Application. Employment of Counsel for the Trustee was necessary for the prompt and efficient liquidation of the estate and has contributed to the successful administration of this estate.

**B. Asset Analysis and Disposition: Fraudulent Transfer of Real Estate**

**Time Expended: 14.3 hours; Amount requested: \$3,932.50**

This category includes services related to the investigation of the Debtors' transfer of their real estate. Through the administration of the bankruptcy estate, the Trustee discovered that the Debtors had transferred certain real property located at 107 Geneva Avenue, Elmhurst, Illinois (the "Subject Property") to their brother/brother-in-law, Scott C. Rieger and his wife, Lauren Rieger ("Transferees"). Further investigation indicated that after the sale of the Subject Property, the Debtors transferred the proceeds, approximately \$53,200.00 ("Transfer"), to the Transferees.

Applicant and the Transferees engaged in numerous settlement negotiations. During the negotiations, the Transferees attempted to refinance the Subject Property in anticipation of reaching a settlement and were informed they could not refinance the Subject Property because the IRS had placed a nominee lien on Subject Property. Applicant had numerous conferences with the IRS and finally obtained a release of lien from the IRS for the Subject Property. Applicant and Transferees reached settlement of Transfer for the sum of \$30,000.00. Applicant drafted the Settlement and Mutual Release and drafted the Motion for Approval of the Settlement and Compromise. On April 3, 2009, this Court entered the Order approving the Settlement.

**C. Valuation of Secured Claims**

**Time Expended: 3.5 hours; Amount requested: \$1,057.50**

After the Trustee reviewed the proofs of claim filed and supporting documents, only action regarding the two secured claims was necessary. Pursuant to §§502 and 506, it is not necessary or procedurally correct to object to the secured claims, but rather the value the secured portion of the claims needs to be determined. On September 18, 2009, Applicant filed two Motions to value the two secured claims. On October 2, 2009, Orders were entered valuing the secured claims at \$0.00 in property of the estate administered and held by the Trustee.

7. All services in this matter were performed by David R. Brown, billed at the rate of \$405.00 per hour, Arthur Rummler, billed at the rate of \$275.00 per hour, and Michele M. Springer, billed at the rate of \$285.00. These rates are customary for Springer Brown to charge for such services during this time period.

8. The foregoing compensation rates are comparable to those charged by other practitioners of similar standing, skill and experience in cases of equal complexity. David R. Brown is a 1978 graduate of the University of Chicago Law School, a former associate at Mayer, Brown & Platt, an attorney and former acting Assistant United States Trustee in the Office of the United States Trustee for the Northern District of Illinois, a twenty-four year panel trustee, and a Member of the firm of Springer, Brown, Covey, Gaertner & Davis, LLC. Arthur Rummler was a senior associate and has practiced in this Court for over six years. Michele M. Springer is a senior associate and has been practicing bankruptcy law for thirteen years.

9. The services rendered by Applicant were necessary services that have benefited this estate by providing funds to distribute to creditors and enabling the Trustee to perform his statutory duties. Itemized time entries for all Applicant's services are attached as Exhibit A and an itemization of the reasonable and necessary expenses Applicant incurred are also attached as Exhibit B. Applicant's request for reimbursement of expenses does not include any of the

ordinary operating expenses of Applicant's practice of law. Applicant is requesting reimbursement of photocopy charges at the rate of 15¢ per copy. Applicant's expense request does not include any long distance telephone service charges.

WHEREFORE, Applicant, David R. Brown and the firm of SPRINGER, BROWN, COVEY, GAERTNER & DAVIS, LLC, respectfully requests that Trustee's Attorneys' fees in the amount of \$6,235.00 and reimbursement of actual and necessary expenses in the amount of \$25.10 be approved as reasonable and appropriate and that payment be authorized upon entry of the Order approving such compensation, and for any such other and further relief as this Court deems just and equitable.

DATE: October 7, 2009

Respectfully Submitted,  
David R. Brown  
Counsel to Trustee David R. Brown

BY: Springer, Brown, Covey, Gaertner & Davis, LLC

By: /s/ David R. Brown  
David R. Brown  
One of His Attorneys

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